

Translation

PATENT COOPERATION TREATY

PCT/FR2003/001991



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 02085	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001991	International filing date (day/month/year) 27 juin 2003 (27.06.2003)	Priority date (day/month/year) 28 juin 2002 (28.06.2002)
International Patent Classification (IPC) or national classification and IPC C04B 28/02, 14/04, C04B 28/02, 24/26		
Applicant RHODIA CHIMIE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 09 janvier 2004 (09.01.2004)	Date of completion of this report 30 September 2004 (30.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☒ the international application as originally filed.

☒ the description, pages 1-16, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-31, filed with the letter of 27 August 2004 (27.08.2004),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/4-4/4, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 4, 10, 11, 14, 24-27	YES
	Claims	1, 2, 5-9, 12, 13, 15-23, 28-31	NO
Inventive step (IS)	Claims		YES
	Claims	3, 4, 10, 11, 14, 24-27	NO
Industrial applicability (IA)	Claims	1-31	YES
	Claims		NO

2. Citations and explanations

Cited documents WO-A-95/04007 (1) and WO-A-97/34849 (2) confirm that the concept of claim 1 is well known in the art because the addition of hydrated calcium silicates is known from document (1), while the addition of silica with a high specific surface area is known from document (2).

The other method features in claims 2, 5, 6, 7, 8, 9, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 28 are all known from said documents. More specifically, the anionic additives that have, in particular, carboxyl groupings, are known from (1) and the film-forming polymer additives as claimed are used in (2). It follows that the resulting substances are also known.

The additional features in claims 3, 4, 10, 11, 14 and 24-27 are clearly within the abilities of a person skilled in the art and relate only to unremarkable selections. If necessary, reference could be made to document WO-A-97/15617 (3) with respect to the selection of the film-forming agents.

The comments made with regard to document (1) are not convincing. The applicant has merely pointed out that said document does not disclose the use of an additive

containing hydrophilic functions such as a latex.

However, a plurality of additives cited in document (1) do, in fact, comprise hydrophilic groupings, such as carboxylates (page 3) or sulphonated groupings (page 7), even though the use of film-forming agents is not envisaged therein. These additives come under the general definition in claim 1.

Document (2) is based on the use of silica and hydrophilic agents in addition to latex. Various hydrophilic agents are indicated on, for example, pages 10 and 11.

The advantages of adding silica are indicated, in particular, in the comparative examples. All things being equal, the use of the same ingredients necessarily leads to effects the same as those indicated and claimed in the present application.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The subject matter of claims 30 and 31 is not clear.

Contrary to the applicant's statements in the arguments dated 27 August 2004, claim 1 does indeed refer to solidification. As a result, the claimed method cannot provide the starting composition used for such solidification and the solidified substance cannot be used as a starting substance for the production of the items cited in claim 31.